



S&H Form: (10/03)
Attorney Docket No. 826.1633D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shinya INAGAKI et al.

Application No.: 10/823,634

Group Art Unit: 2874

Confirmation No. 4656

Filed: April 14, 2004

Examiner: Jennifer Doan

For: APPARATUS AND METHOD OF COMPENSATING FOR WAVELENGTH DISPERSION
OF OPTICAL TRANSMISSION LINE

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. § 1.313(c)

Box ISSUE FEE

Adjustment date: 07/14/2008 CKHLOK
07/07/2008 SZEUDIE1 00000005 193935 10823634
01 FC:1001 810.00 CR

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby submits this Petition pursuant to 37 C.F.R. §1.313(c) requesting that the above-identified application in which the Issue Fee has been paid be withdrawn from issue. As required under § 1.313(c), this application is to be abandoned to permit consideration of an Information Disclosure Statement under §1.97 in a Request for Continued Examination under 37 CFR §1.114.

The Issue Fee for the present application was paid on **June 3, 2008**; attorney for applicant(s) first became aware, on **July 3, 2008**, of the need to file an Information Disclosure Statement that would be based on a **July 1, 2008** Official Communication from the Japanese Patent Office. Accordingly, it has become necessary that Applicants' Petition to withdraw the application from issue to enable consideration of that Information Disclosure Statement.

Enclosed with this Petition is a check in the amount of \$130.00 covering the petition fee pursuant to 37 C.F.R. §1.17(h).

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

07/07/2008 SZEUDIE1 00000005 193935 10823634
02 FC:1464 130.00 DA

In view of the foregoing, it is respectfully requested that this Petition for Withdrawal be granted.

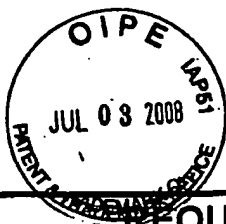
Respectfully submitted,

STAAS & HALSEY LLP

Date: July 3, 2008

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

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S&H Form: PTO/SB/30 (09/07)

REQUEST FOR CONTINUED EXAMINATION (RCE)**TRANSMITTAL****(INCLUDING FILING FEE AND/OR PETITION FOR
EXTENSION OF TIME FEE)**

*Subsection (b) of 35 U.S.C. §132, effective May 29, 2000
provides for continued examination of a utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)*

To: Commissioner for Patents Box RCE PO Box 1450 Alexandria, VA 22313-1450		Attorney Docket No.:826.1633D	
First Named Inventor	Shinya INAGAKI		
Application No.	10/823,634	Group Art Unit	2874
Filing Date	April 14, 2004	Examiner	Jennifer Doan
CPA Filing Date		Confirmation No	4656
Title of Invention	APPARATUS AND METHOD OF COMPENSATING FOR WAVELENGTH DISPERSION OF OPTICAL TRANSMISSION LINE		
This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.			
1.			
Submission required under 37 C.F.R. §1.114 (Box a or b must be completed)			
a. <input type="checkbox"/> Previously submitted			
i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on <u>07/14/2008</u> CKHLOK (Any unentered amendment(s) referred to above will be entered) <u>07/07/2008</u> SZEWDIE1 00000005 193935 10823634			
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on <u>130.00</u> CR			
iii. <input type="checkbox"/> Other			
b. <input checked="" type="checkbox"/> Enclosed			
i. <input type="checkbox"/> Amendment/Reply			
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)			
iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)			
iv. <input checked="" type="checkbox"/> Other <u>(Petition to Withdraw From issue)</u>			
2.			
Miscellaneous			
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required).			
b. <input type="checkbox"/> Other			

07/07/2008 SZEWDIE1 00000005 193935 10823634

01 FC:1801

810.00 DA

				BASIC FEE		\$ 810.00
Since an Official Action set an <u>original</u> due date of __, petition is hereby made for an extension of time to cover the date this RCE is filed, for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$460)); (3 months (\$1,050)); (4 months (\$1,640)); (5 months (\$2,230)):						
Claims As Amended	Claims Remaining After Amendment	Highest Number Previously Paid For		Number Extra	Rate	
Total Claims	13			- 20 =	0	X \$ 50.00 = \$ 0.00
Independent Claims	3			- 3 =	0	X \$ 210.00 = \$ 0.00
Petition Fee (\$130.00)						\$ 130.00
Total of above Calculations =						\$ 940.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. 1.9, 1.27, 1.28).						
TOTAL FEES DUE =						\$ 940.00
4. <input type="checkbox"/> Small entity status: a. <input type="checkbox"/> Verified Statement Claiming Small Entity Status. b. <input type="checkbox"/> A Verified Statement Claiming Small Entity Status was previously filed and such status is still proper and desired. c. <input type="checkbox"/> is no longer claimed. 5. <input type="checkbox"/> Other:						
6. METHOD OF PAYMENT						
<input type="checkbox"/> A check in the amount of \$ \$940.00 is enclosed. <input checked="" type="checkbox"/> Charge "TOTAL FEES DUE" to Deposit Account No. 19-3935. (A duplicate copy of this form is enclosed.)						
7. GENERAL AUTHORIZATION						
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 C.F.R. 1.16 (filing fees) or 37 C.F.R. 1.17 (processing fees) during the prosecution of this application and of any related application(s) claiming benefit hereof pursuant to 35 U.S.C. §120 to maintain pendency hereof and of any such related application to: Deposit Account No. 19-3935.						
8. CORRESPONDENCE ADDRESS						
STAAS & HALSEY LLP *21171* 21171 <small>PATENT TRADEMARK OFFICE</small>						
9. SIGNATURE OF ATTORNEY OR AGENT REQUIRED						
NAME	Richard A. Gollhofer			REGISTRATION NO.	31,106	
SIGNATURE	<i>Richard A. Gollhofer</i>			DATE	July 3, 2008	

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>07/11/08</u>		2 Serial/Patent # <u>10/823,634</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
	Extension of Time			\$								
	Notice of Appeal/Appeal			\$								
X	Petition 1464	PETWDISS	07/03/08	\$ 130.00								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
X	Other Request for Continued Examination 1801	RCEX	07/03/08	\$ 810.00								
				7 TOTAL AMOUNT OF REFUND								
				\$ 940.00								
10 REASON:		8 TO BE REFUNDED BY:										
		Treasury Check										
Overpayment		X Credit Deposit A/C #:										
Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">1</td> <td style="width: 20px;">9</td> <td style="width: 20px;">--</td> <td style="width: 20px;">3</td> <td style="width: 20px;">9</td> <td style="width: 20px;">3</td> <td style="width: 20px;">5</td> </tr> </table>				1	9	--	3	9	3	5
1	9	--	3	9	3	5						
X	No Fee Due (Explanation):											
Petition not received in time to withdraw from issue.												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Monica A. Graves</u>		TITLE: <u>Paralegal Specialist</u>										
SIGNATURE:		PHONE: <u>(571) 272-7253</u>										
OFFICE: <u>Office of Petitions</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED:		DATE: <u>7/14/08</u>										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**